

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Michael Ledger

v.


Case No. 06-cv-411-SM

Ryan Le Vierge, et al.

ORDER

Re: Document No. 7, Motion to Dismiss Count III

Ruling: Denied, without prejudice. As plaintiff points out, there is no respondeat superior claim being advanced under 42 U.S.C. Section 1983, and, as defendant concedes, New Hampshire law does not clearly bar respondeat superior claims against governmental supervisors for the intentional torts of their subordinates in all circumstances. The pertinent facts are critical, and may or may not be contested, rendering dismissal of Count III an inappropriate remedy at this stage. Finally, defendant has not met his burden with respect to showing prejudice under RSA 507-B:7. See , e.g., Farwell v. Town of Brookline, 200 DNH 223.


Steven J. McAuliffe
Chief District Judge

Date: September 11, 2007

cc: Michael Sheehan, Esq.
John Curran, Esq.
Elizabeth Hurley, Esq.